REMARKS

I. Restriction Requirement

In the Office Action dated March 7, 2011, the Office requires restriction under 35 U.S.C. §§ 121 and 372 between:

> Group I - Claims 1-5, 8, 10-20, 23-25, 27, and 28, allegedly drawn to a method comprising the steps of: a) identifying a subject with a depressive disorder; and b) administering an effective amount of a composition comprising a carbonic anhydrase activator and a pharmaceutically acceptable carrier to said subject, wherein the activator is selected from structure I;
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> Group II - Claims 1, 6, 7-10, 21, 22, 24, 25, 27, and 28, allegedly drawn to a method comprising the steps of: a) identifying a subject with a depressive disorder; and b) administering an effective amount of a composition comprising a carbonic anhydrase activator and a pharmaceutically acceptable carrier to said subject, wherein the activator is selected from structures II and III;
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> Group III - Claims 29-38, allegedly drawn to a method comprising the steps of: a) identifying a subject with a depressive disorder; and b) administering an effective amount of a composition comprising a protein kinase C activator and a pharmaceutically acceptable carrier to said subject, wherein the PKC activator is selected from a group consisting of: FGF-18, macrocyclic lactone, a benzolactam, a pyrrolidinone, or a combination thereof; and
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> Group IV - Claims 39-46, allegedly drawn to a method for screening an agent for antidepressant activity, comprising the steps of: a) administering an agent in a pharmaceutically acceptable carrier to a test subject and administering the pharmaceutically acceptable carrier to the control subject; b) individually placing said test and control subject into a pool of water and measuring the distance and/or duration of swimming during a testing period; and c) comparing the distance or duration of swimming of the test subject to a control subject, wherein increased distance or duration of swimming of the test subject compared to the control subject is indicative of antidepressant activity.

Office Action, pp. 2-4.

As an initial matter, Applicants respectfully point out that claims 9, 21, 22, and 26 also relate to Structure I as listed in claim 1 and thus should be grouped in Group I.

While Applicants disagree with the restriction requirement, to be fully responsive, Applicants provisionally elect, with traverse, to prosecute **Group I**, claims 1-5 and 8-28 allegedly drawn to a method comprising the steps of: a) identifying a subject with a depressive disorder; and b) administering an effective amount of a composition comprising a carbonic anhydrase activator and a pharmaceutically acceptable carrier to said subject, wherein the activator is selected from structure I.

There are two criteria for a proper requirement for restriction: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the Examiner, if restriction is required. M.P.E.P. § 803 (8th ed. Rev. 8, 2010) (emphasis added).

Applicants traverse the restriction requirement on the grounds that a proper search and examination of the subject matter covered by pending claims 1-46 would not be unduly burdensome on the Office since a search of the subject matter of Group I would overlap with a search of the subject matter of Groups II through IV. Specifically, a search of the subject matter of claims 1-5 and 8-28 would require the Examiner to search for carbonic anhydrase activators for treating depression disorders. This search would likely uncover art related to carbonic anhydrase activators having structures different from Structure I. Since carbonic anhydrase activity is regulated by PKC and PKC activators can also be used for treatment of depressive disorders (*see* specification as filed, pp. 3-4), a search for carbonic anhydrase activators for treating depression disorders would also likely uncover art related to PKC activators used for treatment of depressive disorders. Additionally, a search for carbonic anhydrase activator for treating depression disorders would also likely uncover methods for screening agents for treating depressive disorders. Thus, the search and examination of

Groups II through IV would incur no serious burden. Therefore, in order to avoid unnecessary delay and duplicative examination, Applicants respectfully request that the restriction requirement be withdrawn.

II. Election of Species Requirement

In the Office Action dated March 7, 2011, the Office also requires Applicants elect "one carbonic anhydrase activator." (Office Action, p. 4).

Applicants elect, with traverse, phenylalanine. Claims 1, 2, 8, 11, 23-25, and 28 encompass Applicants' election. Applicants submit that the carbonic anhydrase activators recited in claims 8-22 are sufficiently few in number that a search and examination of the claims together can be made without a serious burden.

As such, Applicants understand that the Office, if the elected species is found allowable, will continue to examine the full scope of the subject matter to the extent necessary to determine the patentability thereof, as is the duty according to 35 U.S.C. § 121 and M.P.E.P. § 803.02.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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